

**In the Matter of:**

**B.P.**

**vs.**

**City of Johnson City, Tennessee, et al,**

**DEBORAH DUNN**

*July 18, 2024*



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1 homicides, as well, but my specialization was crimes  
2 against children.

3 The last year that I was there I  
4 had three really tough cases that, for some reason,  
5 I wasn't able to shake right away, which was  
6 concerning to me. So between both of those, that  
7 was a reason to do something else.

8 Q. I would imagine that would be a  
9 heavy load working those cases.

10 A. Absolutely.

11 Q. Who was your then lieutenant?

12 You said you didn't have a great  
13 relationship with your then lieutenant.

14 A. Kevin Peters. And to correct, it  
15 wasn't that I didn't have a good relationship. We  
16 had kind of a falling out. I had worked with him  
17 for many years.

18 Q. How many years would you say?

19 A. I tried to think of that. I want  
20 to say that he came to CID as a sergeant maybe  
21 two years after I was in investigations, but I  
22 couldn't say for sure. But I knew him throughout my  
23 career prior to that.

24 Q. He had been at JCPD in a different  
25 role before that?

1 A. Yes.

2 Q. So he came in as a sergeant.  
3 Did you report to him at that  
4 point?

5 A. I did not. I reported to the other  
6 sergeant.

7 Q. Who was that?

8 A. At that time it was -- my first  
9 sergeant back there was Brian Ross, who is no longer  
10 with the department.

11 And then there was a promotion and  
12 one of the investigators, Billy Church, was my  
13 sergeant for many years. And then there were  
14 others.

15 Q. Who was your lieutenant when you  
16 first became a CID investigator?

17 A. Matt Howell.

18 Q. And who after that?

19 A. I guess that's when it was -- no.  
20 Oh, my gosh. I just -- it's been a lot of years.  
21 Oh, Steve Sherfey.

22 Q. Do you know how to spell his last  
23 name?

24 A. S-h-e-r-f-e-y, I believe.

25 Q. And after Lieutenant Sherfey, who

1 was your lieutenant?

2 A. Kevin Peters.

3 Q. Any idea when Kevin Peters became  
4 your lieutenant?

5 A. I really don't.

6 Q. Let's try to do the math.

7 I think you said it was a couple of  
8 years after you started as an investigator.

9 A. That he was promoted to sergeant.

10 Q. Oh, right.

11 A. And so he was a sergeant in the  
12 Criminal Investigation Division and then several  
13 years later, I believe, was promoted to lieutenant.

14 Q. Okay. So would it be fair to say  
15 that he was your lieutenant for around ten years?

16 A. That would be a good guesstimate, I  
17 guess.

18 Q. Okay. Who was your sergeant at the  
19 time that you requested the transfer back to patrol?

20 A. Matt Gryder.

21 Q. Can you explain for me the -- what  
22 word do I want to use -- level of involvement -- or  
23 how much is your sergeant -- when you were an  
24 investigator in the CID, how much did your sergeant  
25 interact with you about your cases?

1           A.           Constantly. I mean, that's -- that  
2           was his job, to review your cases as they came in.  
3           That's who you would go to per chain of command. If  
4           you had questions about the case or issues of any  
5           kind, that's who your -- that's your direct. And so  
6           their job should be constant, constantly monitoring  
7           your cases.

8           Q.           Okay. Did you interact with your  
9           lieutenant, whoever it was, about specifics on your  
10          cases?

11          A.           Maybe in conversation.

12          Q.           Not in a formal sense?

13          A.           Could. You know, you could be  
14          called into the lieutenant's office asking about a  
15          particular case or cases or lack of productivity or  
16          great job, you know. I mean, so -- that wasn't  
17          uncommon.

18          Q.           How many investigators were in CID  
19          when you were there?

20                       I'm sure it changed over the years,  
21          but what would you say on average?

22          A.           Again, I'm going around the room.  
23          Five or six on each squad. There's a Squad A, Squad  
24          B, which explains why there were two sergeants and I  
25          didn't report to Sergeant Peters initially.

1 Q. Okay. And sorry, how many did you  
2 say per squad?

3 A. Five or six. Five or six of them.

4 Q. Per squad?

5 A. Uh-huh, and it would fluctuate.

6 Q. You said that you worked a lot of  
7 the child cases.

8 A. Yes.

9 Q. Was there any other investigator  
10 that also did primarily child cases?

11 A. No.

12 Q. And you also worked sexual assault  
13 cases?

14 A. Some. The same -- the chance would  
15 be the same as any other investigator. Like on  
16 call, if you were on call and responded to a sexual  
17 assault. They weren't automatically assigned to me.

18 Q. Would you say you worked more  
19 sexual assault cases than the other investigators?

20 A. Probably, for the simple fact that  
21 I was the only female and not all, but most victims  
22 of sexual assault are female, and not all, but most  
23 victims of sexual assault would prefer to sit down  
24 with a female.

25 Q. Why do you think that is?

1 Q. Okay. Did you have any specific  
2 training through JCPD when you were patrol about  
3 securing crime scenes?

4 A. That would have been part of the  
5 field training, collecting evidence, those things.

6 Q. Were there any documents that you  
7 were given, like training manuals or --

8 A. Yes.

9 Q. Do you know what they were called?

10 A. No, I don't recall.

11 Q. Do you recall the --

12 A. Are you asking me specific to FTO?

13 Q. Sure. Yes.

14 Were there FTO documents or  
15 policies or manuals?

16 A. Yes, and then there's also general  
17 orders that are shared with the PPO, which is a  
18 Probationary Police Officer. A trainee, that's what  
19 they're called.

20 Q. And you don't remember what the FTO  
21 documents were?

22 A. Field training? No, I don't. The  
23 header, I don't recall.

24 Q. Were they -- if you remember, was  
25 it specific like step-by-step type instruction?

1           A.           Checkoff, right. Like there would  
2 be certain things that as an FTO you had to cover  
3 and, as a PPO in that phase, you had to have an  
4 understanding of.

5           Q.           I see.

6                        So it was more like training about  
7 this particular procedure. It wasn't -- or I'll  
8 just ask.

9                        Did it describe the steps you were  
10 supposed to take when you were securing a crime  
11 scene, or that was just told to you by the FTO?

12          A.           I don't recall, but the general  
13 orders would have covered it.

14          Q.           I see.

15                        And you were an FTO for a while.

16          A.           Correct.

17          Q.           So when you're training a PPO and  
18 you want to train them on, for example, securing a  
19 crime scene, would you take the applicable general  
20 order and go over it with the PPO?

21          A.           Yes, and then -- I mean, it  
22 depended on the training or the teaching technique.  
23 They share experiences with them and things like  
24 that.

25          Q.           Do you give -- did you give a copy



1 of the general order to the PPO?

2 A. At that time we had very large  
3 volumes of books that you were given. Now, with  
4 technology, you can -- they're all given through a  
5 Guardian Tracking System, I think is what it's  
6 called. And you have to kind of accept that you  
7 received that general order.

8 Q. So it was accessible on some  
9 database that they could go and review it again if  
10 they wanted.

11 A. Yes.

12 Q. Besides the FTO documents and  
13 general orders, were there any other documents that  
14 you either received as a PPO or -- well, we'll just  
15 start with that, that you received as a PPO.

16 Any other documents besides the FTO  
17 documents and the general orders?

18 A. I mean, none that I could just name  
19 specifically. It's been a long time.

20 Q. As an FTO, were there any other  
21 categories of documents besides the FTO documents  
22 and the general orders that you would give to PPOs?

23 A. I don't recall. I mean --

24 Q. Those are -- would you say it's  
25 primarily the FTO documents and the general orders?

1           A.           To the best of my recollection. It  
2 was a very long time ago that I was a PPO, and a  
3 long time ago that I was an FTO.

4           Q.           Understood.

5                        Okay. I'm going to give you this  
6 document, which we will mark as Exhibit --

7                        COURT REPORTER: 149.

8                        (Exhibit 149 marked).

9                        MS. ERICKSON: Thank you. Thank  
10 you. This is Bates CITY-0006294.

11           Q.       (BY MS. ERICKSON) Ms. Dunn, have you  
12 seen this document before?

13           A.           Yes.

14           Q.           Can you tell me what it is?

15           A.           Criminal investigative procedures,  
16 general order, CID operations.

17           Q.           On CID operations.

18                        Okay. And this is -- there's a few  
19 dates at the top there.

20                        Do you know what those dates refer  
21 to?

22           A.           I assume that's when it was  
23 established, when this general order was  
24 established, and then I don't know why it has it  
25 twice. Then it's reviewed annually.

1 Q. And under annually it says --  
2 what's the date there?

3 A. January 27th, 2016. I'm not sure  
4 if that was the last time. I mean, I never worked  
5 to build general orders. Perhaps that's the last  
6 time a change was made. I'm not sure.

7 Q. Can you just take a look through  
8 this document and see if it looks familiar to what  
9 you remember from your time as an investigator at  
10 CID and the JCPD specifically?

11 I don't need you to read it word  
12 for word.

13 A. I didn't know if you were going to  
14 ask me something specific about it. So I was going  
15 to be ready.

16 Q. Does this look like the general  
17 order you've seen before as an investigator?

18 A. Looks like it.

19 Q. Okay. And so the procedures here  
20 on the first page, there's -- it says Criminal  
21 Investigation Procedures.

22 Are these steps that you were  
23 expected to follow?

24 A. Yes, if it's part of the general  
25 order.

1 Q. Was it your practice to follow the  
2 general orders?

3 A. That was the goal. It's going to  
4 be different for different cases, but yes.

5 Q. So the second one on the first  
6 page, "Investigators shall contact victims and  
7 witnesses promptly upon receiving an investigation  
8 and will make every effort to apprehend the  
9 perpetrators and recover stolen property."

10 A. Yes.

11 Q. That was your practice.

12 A. That would be the goal.

13 Q. Did you meet your goal?

14 A. Did my best. Tried to.

15 Q. Are there -- what circumstances  
16 would lead to deviating from, for example, No. 2  
17 here?

18 A. Well, there wouldn't be -- I mean,  
19 there wouldn't be a reason on that one. You make  
20 every effort to apprehend the perpetrator and  
21 recover stolen property.

22 Q. And contacting victims and  
23 witnesses promptly?

24 A. Yes. And there's going to be  
25 circumstances that could hamper that, just extreme

1 caseload, vacation, training.

2 You may be assigned a case your  
3 first day of training and it's, unfortunately, going  
4 to sit there until you come back.

5 Q. On the second page, under the  
6 heading B, Preliminary Investigations, are these  
7 steps that the patrol officer would take? Or I  
8 guess this is also applicable to investigators.

9 A. Since it's in the CID operations, I  
10 would think it was -- you know, when you're called  
11 to a crime scene, that is going to be handed over to  
12 the Criminal Investigation Division, but yes.

13 Q. Okay. So --

14 A. It could apply to both.

15 Q. If you were called to a sexual  
16 assault case, you would follow these steps.

17 A. Yes.

18 Q. "Protecting the crime scene to  
19 ensure that evidence is not lost or contaminated,"  
20 Subsection B there, that was something you would do  
21 when you would arrive to the scene?

22 A. Yes.

23 And in some crime scenes, it  
24 wouldn't be what I did. You could have crime scene  
25 investigators that were there, and that was what

1 if you knew the location?

2 A. No. Somebody would go, I'm sure.

3 Q. Do you know what it means by major  
4 cases?

5 A. I know that there was like a list  
6 that was specific that -- and I don't know if it's  
7 in this one, that you would -- you were to respond  
8 to.

9 Q. Do you know what's considered a  
10 major case?

11 A. Sexual. Assault. Homicide.  
12 Robbery. Kidnapping. And then, as an investigator,  
13 if you're on call and you're called by a supervisor,  
14 you're -- you go. It doesn't have to be, "Oh, well,  
15 it's not on that list." If you're told, "We're  
16 calling you out," then you came out.

17 Q. On the next page under little I, it  
18 says, "Determine involvement of suspects in other  
19 crimes."

20 How might you do that?

21 A. Check criminal history. Check  
22 reporting history.

23 Q. Was there a way to like search  
24 someone's name?

25 A. Yes.

1 Q. If there was a criminal history or  
2 other reports against that person, that would show  
3 up?

4 A. Yes. The criminal history would be  
5 specific to arrests and convictions.

6 Q. Okay. Would there also be records  
7 if they were named in an offense report but not  
8 arrested?

9 A. Yes. You could search the agency  
10 reporting system, and it would show anytime a person  
11 is listed as anything, witness, victim, suspect,  
12 other.

13 Q. Got it. Thank you.

14 And was that your practice to  
15 search names of suspects to see if they --

16 A. Yes. At some point, yes.

17 Q. Is there any reason why you  
18 wouldn't run their name through the system?

19 A. Well, it would depend on where I  
20 was at in the investigation. Sometimes -- or the  
21 type of investigation or what I had in the  
22 investigation. I mean, there's just so many  
23 elements that like I didn't check list down and say  
24 we'll do this. Why I wouldn't check for someone's  
25 name is if I met with a victim and they didn't --

1 they didn't want to pursue anything further. Then I  
2 would not have searched a suspect at that time.

3 Q. Why not?

4 A. At that time, I don't have a case.

5 Q. It seems like these are pretty  
6 specific procedures that are to be carried out in  
7 your follow-up investigation.

8 Do you know if it says anywhere  
9 that you wouldn't follow these procedures if a  
10 victim didn't want to pursue charges?

11 A. No.

12 Q. It doesn't say that anywhere?

13 A. I didn't read it all, but no. I  
14 would say no.

15 Q. Were you ever told that that was  
16 how you were supposed to do things, that if a victim  
17 didn't want to pursue charges, then --

18 A. I don't -- I don't know that I was  
19 told, but I was -- at that point, when the victim  
20 doesn't want to continue with the case, then I don't  
21 have a case. I close it, and I go to the next one.

22 I was never told that that was  
23 inadequate in my years. Those -- my case notes go  
24 to supervisors.

25 Q. And the supervisor would look at



1 those case notes?

2 A. And approve or disapprove.

3 Q. I see.

4 Do you know if other investigators  
5 did the same thing?

6 A. I couldn't say. I would assume.

7 Q. You were in CID for 20 years. Not  
8 quite. 16.

9 A. Yes. 16, 17.

10 Q. Was that -- was that always your  
11 practice as an investigator in CID?

12 MR. HERRIN: Object to the form of  
13 the question.

14 A. I would -- there was never always a  
15 practice. Every case is different.

16 Q. I meant more as throughout the  
17 years, as opposed to each individual case .

18 For example, when you started as  
19 CID, was it your practice to close a case if a  
20 victim did not want to press charges?

21 A. Yes.

22 Q. And that continued the same  
23 throughout your tenure as an investigator?

24 A. Yes.

25 Q. And so your supervisor was aware

1 that that was your practice?

2 A. Yes.

3 Q. So under small K, this says,  
4 "Contact the victim." That comes lower in the list  
5 than determining the involvement of suspects and  
6 other crimes, little I that we talked about.

7 A. Uh-huh. Yes.

8 Q. Do you know if these are written in  
9 order of like chronologically how you would conduct  
10 your investigation?

11 A. I couldn't -- I couldn't say. I --  
12 I'm not sure how they organized it.

13 Q. When we were talking about running  
14 a suspect's name through the database, was it always  
15 your practice to not do that search if the victim  
16 had already said that they didn't want to pursue  
17 charges?

18 MR. HERRIN: Object to the form of  
19 the question.

20 MS. ERICKSON: I just ask that you  
21 let me finish the question before you  
22 object.

23 A. Can you repeat it?

24 MS. ERICKSON: Can you read that  
25 back, Jeff?

1 Q. Do you know if he edited your case  
2 notes from this case?

3 A. Unless I was looking at the audit  
4 trail, I wouldn't know.

5 Q. You have no reason to believe that.

6 A. No. I've never -- I've never --  
7 aside from the example I gave you of editing someone  
8 else's case notes, it would be just to put what you  
9 did on a case, and that was expected.

10 Q. So Lieutenant Peters didn't assist  
11 you in investigating this case.

12 A. No.

13 Q. Okay. Okay. So going back to  
14 KP 45, there's several entries discussing you trying  
15 to get in contact with K.B. And then there's an  
16 entry on June 24th, 2020, "Case reviewed by Sergeant  
17 Hilton."

18 Was he your sergeant at the time?

19 A. I assume so, or my sergeant could  
20 have been gone. Could have been on vacation. Could  
21 have been in court all day, and so he was just  
22 assisting him. I mean, that really isn't a standout  
23 of why is Hilton -- I mean, I wouldn't have thought  
24 why is Hilton in my case.

25 Q. Sure.

out on a form, put in an envelope, and put in Chief Turner's box.

Q. Okay. So in your description here on 6/24/20 of your interview with [REDACTED], you're saying at this point the COVID restrictions had lifted and you were allowed to have suspects -- or sorry -- victims come into the station for interviews?

A. Obviously, or it wouldn't have -- I couldn't have told -- I don't know what date that was pulled that we could have people. But if I met with her at police headquarters, then we were allowed to at that point.

Q. Okay. And I'm not going to read this all out, but in Officer Austin's report he says that she reported she was raped. And then in your report she says that --

A. It says attempted rape on his.

Q. Well, I'm talking about the supplemental narrative at the top of your case notes, that first paragraph. It says that she stated she was naked and that the suspect had vaginally penetrated her with his penis.

A. Correct.

Q. That's pretty specific.

1 A. Correct.

2 Q. And then when you met with her, she  
3 told you something different; is that right?

4 A. Yes.

5 Q. And what did she tell you?

6 A. That any -- she denied penetration  
7 had occurred and said that her pants were really  
8 tight and that she woke up when he was trying to  
9 pull them down, where he was unable to pull them  
10 down.

11 Q. Is that something that you've seen  
12 before where -- I think we talked about this  
13 earlier, that victims of sexual assault crimes can  
14 change their story.

15 A. Yes.

16 Q. So did you have any reason to  
17 believe what she was telling you on 6/24 as opposed  
18 to what she told Officer Austin on 6/2?

19 A. My assumption -- I can't -- you  
20 know, I can't read her mind. But, to me, what she  
21 told me is what she wished had happened. And that's  
22 the story that she wanted in her mind, as opposed to  
23 being -- waking up to being digitally -- or being  
24 vaginally penetrated.

25 Q. Okay. So you think she was trying

1 to convince herself that it didn't happen?

2 A. Correct. And that's a huge  
3 assumption, a huge psychological assumption.

4 Q. It's also based on many years of  
5 experience.

6 A. But she would rather that be her  
7 story.

8 Q. What is minimization?

9 I think you said she wanted to  
10 minimize what happened.

11 A. Did I say that? I mean, that makes  
12 sense, but I don't remember saying it.

13 Q. Okay. So you had this interview  
14 with K.B. on that day. And then in the next  
15 paragraph it says, "Request case be closed by  
16 exceptional means as the victim does not wish to  
17 cooperate in the investigation against the  
18 following: Sean Williams."

19 And what -- is that also on the  
20 same date, 6/24/20?

21 A. Probably more likely the --  
22 whatever date that was on the front.

23 Q. Well, the exceptional clearance  
24 date on the front is August 17th. So you would have  
25 been --

1           A.           Well, at this time I can't say for  
2           sure because -- but post-COVID, it would not  
3           surprise me that that waited and I went on to  
4           another case.

5           Q.           Say that again.

6           A.           That this could have been --  
7           without the closure, it could have been sitting in  
8           my cases and I could have been working on other  
9           cases, and then get back to this one to close it  
10          out.

11          Q.           Is there --

12          A.           It doesn't have to be an immediate  
13          thing. Sometimes it is. Sometimes I'd go straight  
14          in and go through the closure process, and then  
15          other times I may have had an interview right after  
16          this or something.

17                      Do you know what I'm saying?

18          Q.           If there was any other  
19          investigation done, it would be in your notes,  
20          correct?

21          A.           Yes.

22          Q.           So there was no other investigation  
23          done.

24          A.           No.

25          Q.           Did you ever contact Mr. Alvaro

1 Diaz Vargas?

2 A. No. My investigation stopped when  
3 she asked that it did.

4 Q. Did you ever run the name Sean  
5 Williams?

6 A. My investigation stopped when she  
7 told me she didn't want to pursue anything.

8 And I know what you're getting at,  
9 but I do it as a service to her, the investigation.  
10 It she doesn't want me to pursue it, I'm not  
11 pursuing it. And I have no regrets about that  
12 whatsoever.

13 Q. Even though you had a hunch that  
14 she actually was raped?

15 A. That's her choice. She has to  
16 testify. Not me. She has to be brutalized on the  
17 stand. Not me. So that's her choice. I stood by  
18 it then --

19 Q. If you had run the name --

20 A. -- and I stood by it now.

21 MR. RADER: I object, ma'am. You  
22 continue to interrupt this witness's answer.  
23 You continue to talk over. Please stop  
24 doing that.

25 Q. (BY MS. ERICKSON) If you had run the



1 name Sean Williams in the database and saw that  
2 there were other --

3 A. I don't know to this day that there  
4 were prior --

5 Q. I just want to finish the question  
6 real quick.

7 A. Go ahead.

8 Q. If you had run the name Sean  
9 Williams in the database and seen that there were  
10 other reports of sexual assault against Sean  
11 Williams involving alcohol and involving that same  
12 address, do you think you would have done something  
13 different?

14 MR. HERRIN: Object to the form of  
15 the question.

16 A. If, when she came in and said, "I  
17 don't want you to contact him, I just want -- I want  
18 this to be done, I want this to be over," no, I  
19 would not have. And that's what she did.

20 Q. (BY MS. ERICKSON) Do you know if any  
21 other JCPD officers or investigators tried to  
22 contact K.B. at the same time, in that time period  
23 when you were trying to reach her?

24 A. I wouldn't think so, no.

25 Q. Okay. Is there any reason why

1 someone other than yourself, as the assigned  
2 investigator, would be trying to contact her?

3 A. I wouldn't think so. I mean, they  
4 may have a legit reason on another end, that she  
5 could be a suspect in something. So I wouldn't say  
6 that -- no, because that does happen.

7 Q. Okay. I'll give you another  
8 document here.

9 MS. ERICKSON: We'll mark this as  
10 Exhibit 1.

11 COURT REPORTER: This will be 153.

12 MS. ERICKSON: -- 153, which is  
13 Bates CITY-0076260.

14 (Exhibit 153 marked).

15 Q. (BY MS. ERICKSON) Have you seen this  
16 document before, Ms. Dunn?

17 A. Yes.

18 Q. And what is it?

19 A. It was when a second interview was  
20 conducted with K.B. by -- at the -- by, it looks  
21 like, Investigator Toma Sparks at the behest of Kat  
22 Dahl.

23 Q. Okay. How do you know that it was  
24 at the behest of Kat Dahl?

25 A. Well, because when I was shown this

1 and read it, I said, "Oh, my gosh, I read the  
2 lawsuit. That's what she's talking about in the  
3 lawsuit when she says, well, they said she wouldn't  
4 cooperate, but we called her and she came right in."  
5 And I thought to myself, "You idiot. I didn't say  
6 she wouldn't cooperate. I spoke to her. Did you  
7 read my case notes? They say what yours said."  
8 Like she -- this is -- that's how I took it. No one  
9 has told me this, but it says in the lawsuit  
10 investigator said the victims -- the victim wouldn't  
11 cooperate, but when I called her she came right in  
12 and provided a statement. And so when he showed me  
13 that, I said, "Oh, wow, that's the one in the  
14 lawsuit."

15 Q. The code for exceptional clearance  
16 about the victim refused to cooperate, that's --

17 A. That's --

18 Q. That's for pressing -- doesn't want  
19 to press charges.

20 A. Does not wish to cooperate in the  
21 prosecution of the following. And I made the  
22 assumption, and I could be completely wrong, "Oh, my  
23 gosh. That's -- I didn't say she wouldn't  
24 cooperate." I know that's how it reads, but TIBRS  
25 says -- they use that verbiage, does not wish to

1 cooperate, and that's how my case closure was.

2 I didn't say the victim wouldn't  
3 cooperate. She wouldn't call me back, wouldn't  
4 answer the phone, wouldn't -- wouldn't keep an  
5 appointment.

6 Do you see what I'm saying? This  
7 is --

8 Q. But it can also be true that she --  
9 I'll just leave that alone.

10 Okay. Is what's in this statement  
11 the same as what she told you when you talked to her  
12 in June?

13 A. I couldn't say verbatim.

14 Q. If she had provided this type of  
15 detail about being at Numan's and -- is the  
16 statement that's documented in your case notes on  
17 KP 45, the document we were looking at last, that's  
18 the entirety of what you discussed with her, what  
19 she provided to you.

20 A. I only remember based on my own  
21 notes. So I don't know. This looks like it's  
22 pretty similar to what I typed up.

23 Q. Well, she makes a reference to that  
24 Sean was -- Sean said he was looking for his DMT.  
25 That's on her written statement.

1 A. I see it, yeah.

2 Q. Is that in your statement?

3 A. I didn't see it. I don't know what  
4 a DMT is.

5 Q. I had to Google it. I didn't know  
6 what it was either.

7 At the end of her written statement  
8 it says, "The officer contacted my mother." You  
9 pointed out that she's not a minor.

10 Do you know why the officer --  
11 well, do you know who this is referring to, "the  
12 officer contacted my mother"?

13 A. Can I see that narrative?

14 MR. HERRIN: Object to form of the  
15 question. Calls for speculation.

16 A. If I was with an adult person as a  
17 police officer and they asked me to call their  
18 mother, I would call their mother. I mean, it's  
19 not --

20 Q. (BY MS. ERICKSON) Does it say that she  
21 asked the officer to call her mother?

22 A. "The officer contacted my" -- I  
23 don't know. I wasn't there. I don't know if he --  
24 if she requested it or he -- I don't know who he was  
25 or she. The officer could have been a female. I

1 have no clue.

2 Q. Okay. But we know the officer was  
3 Officer Austin, right? And you said he was a male.

4 A. Uh-huh, if that's the officer she's  
5 referring to. In this kind of situation, I would  
6 assume there's a couple officers down there.

7 Q. Okay. Is there anywhere in all of  
8 these -- the case file documents we've looked at  
9 where it would indicate if there was more than one  
10 responding officer?

11 A. No. I said I was assuming.

12 Q. But if there was more than one  
13 officer, would that be in the case file somewhere?

14 A. No. No one -- one would have who  
15 was dispatched or who checked out there.

16 Q. There's only -- if there's two  
17 patrol officers that respond, does only one have to  
18 do case notes?

19 A. He's the reporting officer, yes.  
20 There might be a time when another patrol officer  
21 would do a supplement, if he was a different part of  
22 an offense or something, but one person does the  
23 report.

24 Q. In your narrative, at the end of  
25 that second to last paragraph, it says, "She stated

1 she did not wish to pursue any applicable charges  
2 and had learned her lesson."

3 Do you -- is that -- are those her  
4 words or are you --

5 A. Absolutely. Yeah. That's not  
6 my -- that would have been -- there are little  
7 things that you include in your notes that she would  
8 have either said I've learned my lesson or lesson  
9 learned or something. I would have put in what she  
10 said.

11 Q. Do you know what she meant by she  
12 had learned her lesson?

13 A. I don't, but in her mind she did.  
14 That was never anything I would have put in there,  
15 had she not said it. Typically it would have been  
16 in a statement. The fact that I don't have a  
17 statement written out tells me that -- and again,  
18 just from my own experience, that as soon as we sat  
19 down she said, "You're not going to -- I don't want  
20 to do anything. I don't want to do anything.  
21 You're not going to contact him, are you," or I  
22 would have had a statement. Because I've taken many  
23 a statement and then I receive a call from a victim  
24 saying, "I don't want -- I don't want to do  
25 anything," and I would have already had a written

1 statement.

2 So the fact that I didn't makes me  
3 at least assume that she immediately said, "I don't  
4 want to do anything. You're not going to call him,  
5 are you?" And then we sit there. "No, ma'am.  
6 That's your -- that's your choice if you don't want  
7 to do anything."

8 Q. Your standard practice was to have  
9 a written statement by the victim?

10 A. Typically that's -- that was what  
11 my goal was, was to have her come in so I could get  
12 a detailed written statement from her. So the fact  
13 that there isn't, in my mind, makes me think that  
14 immediately that's -- and that wasn't unusual for  
15 that panicked look of the whole reason they came to  
16 meet with me was to make sure I was not going to  
17 tell him that she reported it or try to talk to him  
18 in any way. I saw that face enough to know it as  
19 soon as I saw it.

20 Q. So did she give you all of this  
21 information after she told you she didn't want to  
22 pursue any charges?

23 A. We were discussing it. I mean, we  
24 don't -- I don't just sit down and say, "Tell me  
25 what happened." We talked about rapport. We talk.



1 Then I would put it on paper.

2 Do you know what I'm saying?

3 So we would have had a discussion  
4 about what happened during that incident, but the  
5 fact that I didn't start writing a written statement  
6 leads me to believe that she instantly told me she  
7 didn't -- she didn't want to pursue anything.

8 Q. Did you have K.B. sign a  
9 non-prosecution form?

10 A. No.

11 Q. Why not?

12 A. I wasn't in the practice of doing  
13 that.

14 Q. The written statement here on  
15 Exhibit 153, is this -- is it the practice that the  
16 investigator writes out what the victim said, and  
17 then the victim signs it?

18 A. Yes.

19 Q. So this is Toma Sparks'  
20 handwriting?

21 A. Yes, I assume.

22 Q. If you turn the page, on the third  
23 page under Notes & Documents, there's an entry here,  
24 9/21/2020, September 21st, 2020, John Hames, and  
25 then it says, "Additional investigation revealed

1 that there was no actual rape. The case is changed  
2 in RMS to an attempt."

3 Do you know why this would have  
4 been added to this case when the exceptional  
5 clearance date was dated August 17th?

6 A. You would have to talk with John  
7 Hames.

8 Q. In any of your cases, when a case  
9 has been cleared by exceptional means, would you go  
10 back and make additional notes at that point?

11 A. I didn't make that note.

12 Q. Right.

13 I'm just saying in your practice,  
14 would there be a reason to do this?

15 If the case had already been  
16 cleared for exceptional means in August, on  
17 August 17th of 2020, is there any reason that you  
18 can think of that there would be additional  
19 investigation being done on this case after that?

20 MR. HERRIN: Object to the form of  
21 the question.

22 A. My assumption would be that he read  
23 the narrative that says -- her second version, that  
24 he was trying to pull down her pants but they were  
25 too tight.